IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 8186 of 2000

Between:

Bathula Suryanarayana, S/o.Nesthalu,

Hindu, aged about 60 years, occ:Business,

R/o.Rajive Sarma Nagar, Vijayawada,

Krishna District.

..... PETITIONER

AND

The Assistant supply Officer,

Circle No-1, Vijayawada, Krishna District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the action of the respondent in not supplying the P.D.S.Kerosene to the petitioner KL.No.293 attached to F.P.Shop No.15 of Kasipati Street, Chittinagar, Vijayawada, Krishna District as

illegal, arbitrary and without jurisdiction and consequently direct the respondent to supply the PDS Kerosene to the petitioner sho forthwith to enabling him to distribute the same to the card holders attached to his shop and to pass such other or further order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.N.SIVA REDDY

Counsel for the Respondent: G.P for Civil Supplies

The Court Made the Following :

ORDER:

The case of the petitioner is that on 11-04-2000, the Inspector of police, VVCSD, Vijayawada District along with his officials inspected the business premises bearing shop No.15 at Kasipathi Street and subsequently, registered a case in Crime No.54/2000 and seized the entire quantity of Kerosine. Since, the case under section 6-A is pending before Joint Collector, the authorities are not supplying the stocks for distribution to card holders.

This court while admitting the writ petition directed the authorities to supply the P.Ds Kerosene to the petitioner, if the authorization is not suspended and is in force. The grievance of the petitioner is that though the authorization is in force and having not suspended, the authority is refusing to supply the essential commodities.

No counter affidavit is filed mentioning the facts as to whether the crime registered is culminated into any further action of suspension or revocation of the license of the petitioner.

In these circumstances the writ petition is disposed of, and the interim orders passed by this Court in W.P.M.P. NO. 10667 of 2000, dated 02-05-2000 are made final orders in the writ petition. However, the same shall be subject to the out come of the Enquiry under section 6-A of the Act.

05-07-2004

vs/Murthy

To

1. The Assistant supply Officer,

   Circle No-1, Vijayawada, Krishna District.

2. Two CCs to the G.P for Civil Supplies,High Court Buildings, Hyderabad.(O.U.T).

3. Two CD copies.

4. One spare copy.

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 8186 of 2000

Dated: 05-07-2004